

EXHIBIT 5

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

MARC W. WEINSTEIN,

Plaintiff,

-against-

CIVIL ACTION NO.

CV - 14 - 7210 (ADS) (AKT)

**THOMAS C. KRUMPTER, Acting Police
Commissioner, Nassau County, New York**

**STEVEN E. SKRYNECKI, Chief of
Department, Nassau County Police
Department,**

**AFFIRMATION
ANDREW CARROLL**

**DANIEL P. FLANAGAN, Commanding
Officer, First Precinct, Nassau County Police
Department,**

**JAMES B. MALONE, Police Officer, First
Precinct, Nassau County Police Department**

**JOHN DOES I -IV, Police Officers, First
Precinct, Nassau Police Department,**

**PAUL CAPPY, Police Officer and
Investigator, Nassau County Police
Department, Pistol License Section,**

**NASSAU COUNTY POLICE
DEPARTMENT,**

Jury Trial Demanded

and

COUNTY OF NASSAU

Defendants

Andrew Carroll, in accordance with 28 U.S.C. § 1746, does declare under penalty of perjury following is true and correct:

1. I am a resident of the town of Bellmore, Nassau County, New York. I live in my grandmother's house in the attic apartment. My mother also lives in the house in a separate basement apartment. My mother claimed I owed her \$50.

2. On September 30, 2014 I returned home from work and discovered one of my firearms missing, an AR 15 rifle. My mother stated she had taken my rifle as collateral for the loan. I asked her where it was. She said she had sold it or given it away to another person. I became concerned and called the police at about 6:30pm that evening and reported the missing firearm.

3. At 8:30pm officer Budinilic of the Nassau County Police Department arrived. He then confiscated my remaining .22 rifle and my shotgun, which were not missing, which were in my apartment.

4. After other officers arrived (back up) they retrieved my AR 15 rifle from my mother in the basement.

5. I was initially told that the firearms would be returned to me before the end of the night if no charges were filed. Later that night at about 10pm a sargent arrived, and informed me that the precinct had made the decision to "keep the guns".

6. I was given a receipt for the guns and a police report and told I would get paper work to begin the process of getting my guns back.

7. After three weeks, no paper work had arrived. I enlisted the help of my uncle who is a retired police officer. He reported to me that after several hours and after going to several precinct, that I could probably get my shotgun and .22 rifle back, but they had no record of the AR 15.

8. On or about November 8, 2014, I went to the first precinct to get my shotgun and rifle back. I was given the run around and eventually the name of Capt. Gisondi and to contact him.

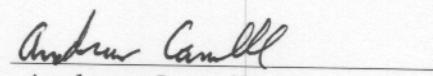
9. My firearms have not been returned to this date nor am I getting any information or help from the police as to what I need to do to get them back.

10. Not charges were filed on anyone and no Orders of Protection were issued.

11. Since I am not disqualified from possessing a firearm, I have purchased another AR 15 to replace the one taken by the police.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: Bellmore, New York
February 21, 2015


Andrew Carroll

